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Children's rights to education

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Children's Rights to Education – Where is the Weight for Children's Views?

Abstract:

This paper analyses the views and preferences of children and young people who experience barriers when attempting to engage with schools and schooling. It specifically considers processes of formal and informal exclusion and the manner in which 'stigmatised' children are treated within a system that's attendance to children's rights is, at best, sketchy and at worst - downright discriminatory. The paper poses a number of critical questions concerning the extent to which the views of children are given due weight in decision-making processes in schools, whether the background a child comes from affects the way school staff listen to them and whether school rules act as a barrier or enabler for children's rights. In turn, these questions are related to what educational processes might look like that place due weight on the views of children, what cultures create barriers to listening in practice, and what we can learn from children's overall experiences. The paper presents findings from a participatory empirical peer research project (funded by a Carnegie Research Incentive Grant and the University of Edinburgh Challenge Investment Fund) conducted with and by young people in schools in Scotland and the north of England. This paper is innovative as it is the product of collaborative working between academics at the University of Edinburgh, staff at Investing in Children and the young researchers who co-authored this article for publication.

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Keywords

right to education – children - participatory methods - due weight

1.0 Introduction:

The aim of this paper is to explore the extent to which the views of children and young people, particularly those from marginalised communities, are given due weight in decision-making in schools. This exploration is anchored within a broader children's rights framework which expressly recognises not only children's right to education but also their right to participate in matters which affect them. The paper has several sections. Section 2.0 sets out the background of the project and highlights the thinking behind the Investing in Children (IiC) process. It defines 'deficit model' thinking and contrasts this with an approach that seeks to attend to children's rights through the development and exchange of mutual respect. Section 3.0 explains the partnership between IiC and the University of Edinburgh, before section 4.0 highlights the methods and processes through which we discussed the above questions with young people. Section 5.0 illustrates our key findings using comments from the peer researchers on issue such as: identity and respect; punishment, prejudice concerning pupil's backgrounds and lack of involvement in decision making. This is followed by a discussion of the findings and recommendations (Section 6.0) and concluding comments (7.0).

From the outset, the intention was to address the aim of this paper in a participatory way, with children and young people as partners in the research. Davis (2011) highlighted six supposed benefits of participation:

- That participation has pedagogical and developmental benefits (children can learn educationally, morally and personally from the experience)

- That participation has potential political benefits (children can change social policy, exercise rights and share power with adults)
- That participation has epistemological benefits (dialogue with children can produce improved understandings and better knowledge for academics and policy makers concerning their life conditions)
- That participation has consumer benefits (it has the potential to produce services that are better value for money, better planned and better staffed)
- That participation can make children's worlds safer and provide benefits in terms of protection (the experience of developing respectful dialogue with adults and other children will promote child protection and help to prevent child abuse)
- That participation has inclusive benefits (it has the potential to foster better relations in communities and to develop a more integrated society).

To some extent all these benefits were potentially in play during our project. However, Cairns (2006) has criticised participatory processes that are based on the premise that we should 'teach' children how to exercise their participatory rights. In so doing he has highlighted the need to recognise children and young people as rights holders in the present and not simply push that moment into the long grass. In this project the participating children and young people played a full part in both determining the focus and the methodology of the research and in analysing the results. Davis (2011) has argued that there can be moments when adults' participatory objectives collide with children and young people's own perspectives of what a participatory process should be about. The central aim that emanated from the young people in the project reported here was that the project should express and gain recognition for young people's views that were presently being ignored and that the project should foster change and better relations in schools (the need for such change becomes obvious in light of the perspectives of the young people presented below). This project was guided by an intersectional approach¹, aiming to understand how young people's experiences of schooling are shaped by their interacting positions of age, race, ethnicity, class and gender (Konstantoni et al. 2017, Kustatscher et al. 2016).

2.0 Background to Investing in Children

Investing in Children (IiC) is an organisation concerned with the human rights of children. At the heart of IiC is the belief that the dominant discourse on childhood condemns them to a peculiarly vulnerable position within society. It has been argued that children and young people are often represented and constructed as objects of adult concern, works in progress, naturally unruly, in need of control and/or requiring socialisation (Cairns et al 2005). This construction rarely depicts children and young people as competent agents and citizens with rights. In so doing, this representation creates a deficit model that only recognises what children and young people lack (Davis 2007) rather than what they can offer their fellow citizens (Davis, 2007, Cairns et al 2005). This deficit model confines children and young people to a state of impotency, ignores their ability to solve their own life problems and places them at the mercy of (apparently more knowledgeable) adults. Adults, whose commitment to their welfare, as history sadly teaches us, cannot always be relied upon. The refusal to accept that children and young people are credible witnesses to their own lives has often meant that society has been deaf to their complaints of injustice and their cries of pain (Cairns et al 2005).

In response to this, IiC has worked for over 21 years on creating spaces in which children and young people can come together, discuss issues and develop arguments about how things might change. Evidence from IiC's work clearly demonstrates that, given the opportunity, children and young

¹ Intersectionality has been defined as "the interaction between gender, race and other categories of difference...and the outcomes of these interactions in terms of power"(Davis 2008: 68, Crenshaw, 1991).

people are knowledgeable about the world in which they live, and can be powerful participants in political dialogue and persuasive advocates on their own behalf (Shenton, 1999, Williamson, 2003, Davis, 2007).

Children and young people's right to be seen as legitimate participants in decisions that affect them is guaranteed in Article 12 of the United Nations Convention on the Rights of the Child (UNCRC). However, the extent to which this has been embraced in practice is debatable (Lundy 2007, Stalford and Drywood 2009, James 2011, Daly 2014). Whilst there is some evidence of a change in rhetoric, it is less easy to provide evidence of a change in the extent to which the participation rights of children and young people are respected in reality. Arguably, some of the mechanisms that have been adopted are ineffective or tokenistic, i.e. they create an impression of participation without the contribution of children and young people having any actual impact upon the outcome of the debate (Shenton 1999, Crimmens 2004, Henricson and Bainham 2005, Mori, 2005, Cairns 2006).

Designing a process through which the genuine and meaningful participation of children and young people is secured requires careful thought. The UN Committee on the Rights of the Child (2009) defines participation as 'ongoing processes, which include information sharing and dialogue between children and adults based on mutual respect, and in which children can learn how their views and those of adults are taken into account and shape the outcome of such processes.' This is a relatively passive definition, in which the objective would appear to be the creation of a learning opportunity for children and young people. In 2003, liC contributed to an ESRC research project that considered the link between children's participation rights and social inclusion. This proposed a more active and ambitious definition of the purpose of participation:

- *"Participation is about ensuring that the voices of children and young people are heard. Practice needs to be focused upon creating opportunities for engagement in dialogue between children and young people and decision-makers.*
- *Participative practice should be concerned with the lived lives of children and young people. Practice needs to be concerned with issues that young people agree are important to them.*
- *Participation needs to be understood as a means to a political end. As with any other group in society, children and young people will participate in political debate in order to make things better. Participation is part of a process of seeking to take effective action.*
- *Participative practice needs to be inclusive. The key is to create opportunities for children and young people to participate on their own terms, and not simply to satisfy the expectations of the adult community.*
- *Participation needs to be transformative. In other words, it needs to challenge the dominant discourse that represents children and young people as lacking the knowledge or competence to be participants in policy debate."* (Davis and Edwards 2004)

It is this definition that liC has embraced, and it has informed the creation of the various methods that have emerged as liC has developed. In this paper we connect these ideas to questions such as whether children are listened to in schools, whether the background a child comes from affects the way adults listen, and whether school rules act as a barrier or enabler for children's rights.

3.0 The Partnership Between liC And University Of Edinburgh

Over the last 17 years, a strong partnership has developed between staff at the Moray House School of Education at the University of Edinburgh and Investing in Children. In 2005, Professor John Davis from the University of Edinburgh was commissioned to undertake an external evaluation of Investing in Children. In his final report, presented in 2007, he concluded that: *'The work of liC contributes to an emancipatory discourse, through which the status of children and young people is transformed and they are able to claim their rights as citizens.'* He went on to make suggestions as to how the

work could be strengthened, and his recommendations informed the development of the project reported here. The two organisations have continued to collaborate on a number of pieces of work. For example, children and young people from Investing in Children are regular contributors to the BA in Childhood Practice at the University of Edinburgh. The course became the first Degree course to achieve an IiC Membership Award in 2014. (Membership is awarded when there is evidence that there is an active *dialogue* between children and young people and adults, which results in *change*. What makes the award so potent is that evidence in support of the application is gathered from children and young people.)

4.0 Methods

This research project emerged out of a recommendation to develop further partnerships between IiC and academic institutions such as the University of Edinburgh (Davis, 2007), and specifically out of a previous collaborative knowledge exchange project between these two partners: In 2014-15, young people supported by IiC had contributed to an academic seminar series in Scotland which explored the synergies of bringing together the fields of children's rights, childhood studies and intersectionality, and aimed to give voice to young people's intersectional experiences and how they affect their experiences of education and social services, and of public spaces (Konstantoni et al. 2014)².

In return for their contribution to the seminar series, the researchers offered to work with the young people to research an issue that they chose. The young people responded positively, and spent a considerable amount of time debating the focus of the proposed project with the researchers. They wanted to identify an issue which affected all of them, and which they agreed needed attention. Eventually, they concluded that their research should focus on young people's experiences of school. The resulting project was entitled 'Creating transformative partnerships: Making spaces for tackling childhood and youth inequalities'³ and sought to examine a) young peoples' views and experiences of intersectional discrimination in their schools and ways of tackling discriminatory practices, and b) the processes by which meaningful and transformative partnerships (between interdisciplinary researchers, young people, organisations and practitioners) can be established with the aim to effect change in the young people's lives.

The group of young people researchers consisted of approx. 15 young people aged between 14-18 and a diverse group in terms of their gender, class and ethnic backgrounds (mainly from less affluent areas, and mainly white), who had self-selected to be a part of the project. From June 2015 to October 2016, Marlies and Kristina (University of Edinburgh) regularly met with the young people and Liam and Rob (Investing in Children) in order to collaboratively develop the research design and carry it out. They also met with Seamus Byrne, from Liverpool University Law School, to explore the relevance and application of children's rights legislation and conventions to the education system.

² The seminar series, entitled 'Children's Rights, Social Justice and Social Identities in Scotland: Intersections in Research, Policy and Practice' (2014-15, funded by the Scottish Universities Insight Institute), brought together academics, practitioners, policy makers and children and young people from Scotland and the North of England to debate children and young people's complex and intersecting identities and consider the ways in which multiple social inequalities impact on children's lives. For further information see <http://www.scottishinsight.ac.uk/Programmes/Programmes201314/ChildrensRights.aspx>.

³ The project was funded by a Carnegie Research Incentive Grant and a University of Edinburgh CHSS Challenge Investment Fund. Further information and outputs can be found at <http://www.intersectionalchildhoodsandyouths.com/research/current-projects/creating-transformative-partnerships-making-spaces-for-tackling-childhood-youth-inequalities/>

The research received ethical approval from the Moray House School of Education Ethics Committee.

Eventually, it was agreed that the young people would focus on gathering the views of other young people of their age (14-18 years) through a series of 'Agenda Days'[™] (see description below). In addition, data were generated in the form of research meetings, focus groups, and interviews with young people and educational stakeholders carried out by the adult researchers. Data consisted of audio and video data, transcripts, field notes and research diaries.

Most of the young people researchers had previously been involved in running Agenda Days[™], and their experience gave them confidence that they could create spaces in which young people would be free to share their views without having to seek the approval of adults. Six Agenda Days were organised, in the Scotland and the Northeast of England, attended by 160 young people. The outcomes of the young people's research is presented below. During the Agenda Days, the young facilitators made written notes of the discussions that took place. They then produced a written report, which was sent to the Agenda Day participants for their endorsement. The research group then produced a summary report of the six events. The research team then engaged with 'Caged Beastie' a Scottish community arts and advocacy project, to explore how the use of different media might make their findings more accessible to a wider audience, and created seven short films⁴.

In summary, this project is unique since it has been initiated and shaped in its focus and research design by young people from the outset. The subject of this research (schooling), and the methods of gathering a major part of the data were chosen by young people themselves, who also played a significant part in the conduct of the research and the analysis of the findings.

⁴ The films can be seen at <http://www.intersectionalchildhoodsandyouths.com/research/current-projects/creating-transformative-partnerships-making-spaces-for-tackling-childhood-youth-inequalities/>

Agenda Days™

Agenda Days™ are adult free spaces that are created so that children and young people can come together to discuss their ideas, express their views and opinions and to create solutions to their problems and concerns. They can be used with children and young people of all ages and are readily adapted to create flexible and innovative spaces for gathering evidence.

The events are facilitated by other young people who are prepared and supported by adults in advance of the event and who have the necessary information to run the event. Adults are available on site and take responsibility for all safeguarding issues but are not present in the room. The information that is gathered during the event is written up as a report which is shared with the Agenda Day participants, to check its accuracy.

The Process

- Children and young people are invited to attend depending on the issue that is going to be the focus of the event. Word of mouth usually works best and children invited to attend by an adult whom they already know and trust (parent, foster carer, social worker, youth worker, Education Welfare Officer) can encourage attendance.
- Letters and posters can also be sent out to advertise the event.
- Parent/carer consent is required for children under the age of 16.
- An Agenda Day™ usually lasts for 1-2 hours (depending on the age and capacity of the children involved).
- The events are held in an accessible space, usually a public building e.g. community centre, church hall, library, youth club etc.
- All participants receive a fee and travel expenses for their attendance. .
- Numerous activities, tools and creative ways of working with children and young people can be used during the event.
- Numbers vary depending on the age of the participants, location of the event, and issue that is under discussion. It may involve as few as 5-6 children or as many as 30. Additional young facilitators will be needed for larger groups.
- The young facilitators are supported during the event so that there are adults available in the building in the case of any emergency or for additional advice if needed.

5.0 Findings *Education and Rights – ‘Do they go hand in hand?’*

The main findings of the current research are that, for a variety of reasons, some young people feel that their views are given **no** weight and they are being marginalised by a school system that favours conformity over individuality, and discriminates against students who are perceived as not ‘fitting in’. The young people found that a ‘postcode lottery’ exists, and young people from less affluent areas were more likely to feel excluded than others. Rather than encouraging achievement, this group experience school as an environment in which they receive little support, and where their views are largely ignored.

The six Agenda Days™ allowed all of the young people that attended to give their opinions about the experiences of being in schools, their views on the education system and the benefits that schools

and education can bring to young people's lives. The young people who were involved in the research greatly enjoyed the opportunity to talk to other young people about these issues.

'I was one of the researchers involved in the project. I want to express how positive an experience it was to be involved. As a co-researcher being able to meet with young people independently from adults, plan questions and discussions was very successful. I think lots of young people came along to our Agenda Days™ because they were ran by young people and they felt comfortable expressing their opinions and ideas about schools.' Leah

5.1: Identity and Respect.

The main theme that appeared throughout the Agenda Days™ was that of individual identity and respect. Many young people connected a lack of attendance to their identity rights with issues such as strict uniform policies (e.g. adults attempting to make everyone look the same), feeling controlled (by adults) and being unable to express themselves through what they wore. Young people thought schools should put their energy into engaging with young people and enabling young people to make decisions and be central to decision making processes in order to make the school a better environment for everyone to learn in.

In spite of this wish, numerous young people spoke about: the lack of respect they experienced from teachers in schools; how the need to follow strict rules inhibited their self-identity and expressions; how limited the opportunities were for them to express their opinions and how they felt schools continued to and continuously oppressed and suppressed opportunities for young people to speak

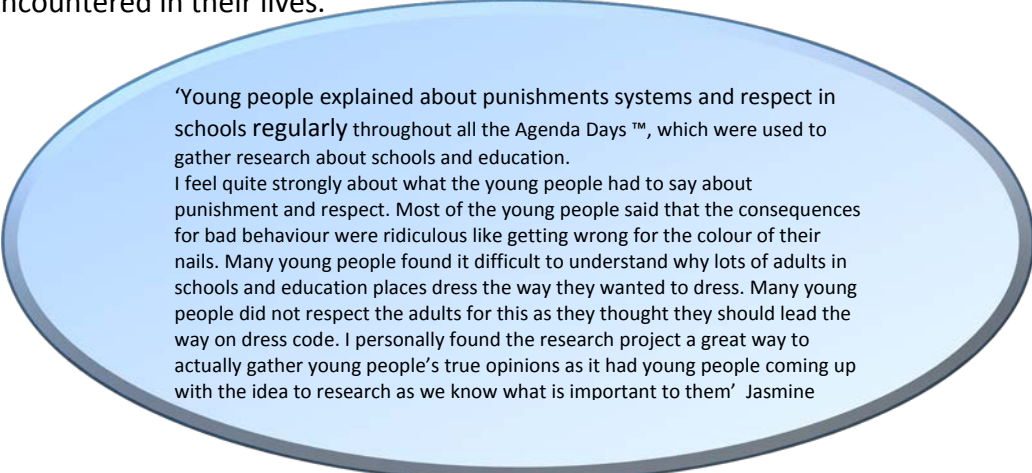
'I got involved with a project in County Durham called Investing in Children. I got involved with this project because they help get young people's rights and points of views across. As part of my research findings we made a video on the key findings about some young people's opinions and ideas about schools and education.

I spoke about how uniform policy have stopped these young people and myself from expressing who we are. Rules such as not being allowed purple hair and the wrong colour school shoes got lots of young people and myself kicked out of school. Young people expressed how they should be allowed to express themselves no matter who they are. They should not have their rights of individuality taken from them just because of strict school rules. This was a regular theme which occurred throughout our Agenda days™ in the North East of England and Scotland. It was the first time I have ran Agenda Days™ and they proved a great way to gather research as no adults were allowed to attend, so young people could actually say what they wanted without worrying about being told off'. Caitlin

out about their schools, their learning and their overall education.

5.2: Punishment

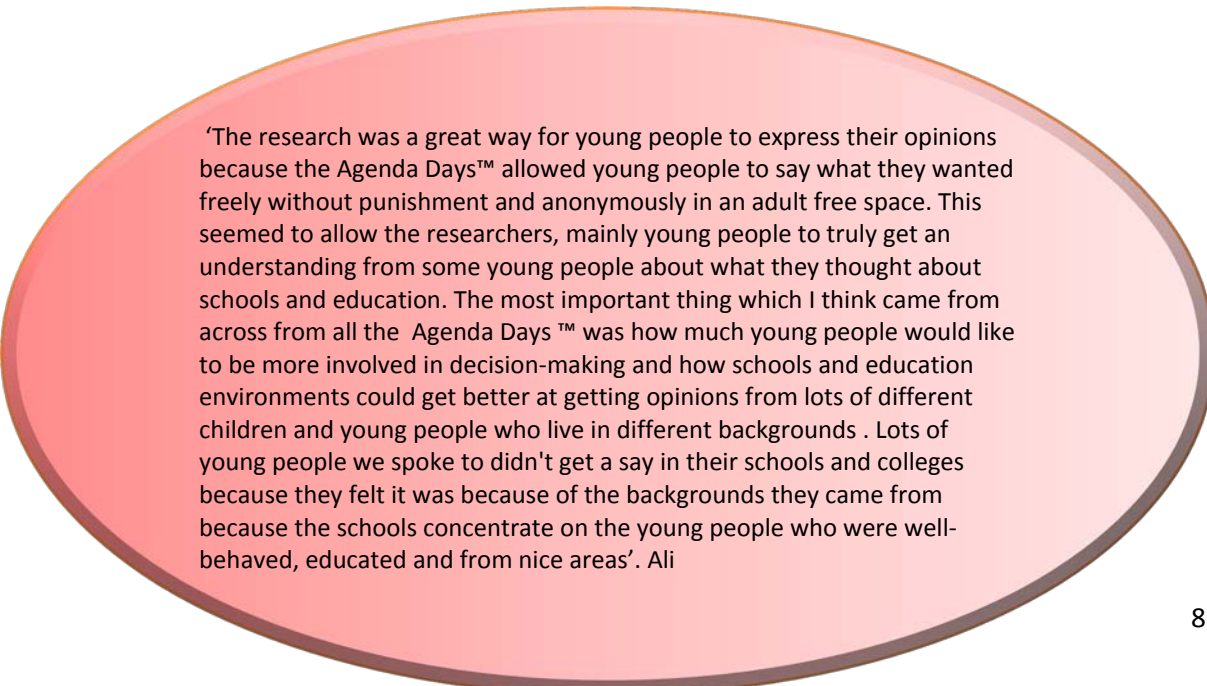
The punishment system in schools was a key issue raised in all the Agenda days. It was suggested to us by numerous young people that schools focus too much on young people's behaviour in schools. The young people thought schools needed to have more empathy. Instead of pushing the young people away and punishing them, it was argued that schools should try and find out why a specific young person acted in the way they did and that schools should work with that young person to help them cope better and to remove the barriers they encountered in their lives.



'Young people explained about punishments systems and respect in schools regularly throughout all the Agenda Days™, which were used to gather research about schools and education. I feel quite strongly about what the young people had to say about punishment and respect. Most of the young people said that the consequences for bad behaviour were ridiculous like getting wrong for the colour of their nails. Many young people found it difficult to understand why lots of adults in schools and education places dress the way they wanted to dress. Many young people did not respect the adults for this as they thought they should lead the way on dress code. I personally found the research project a great way to actually gather young people's true opinions as it had young people coming up with the idea to research as we know what is important to them' Jasmine

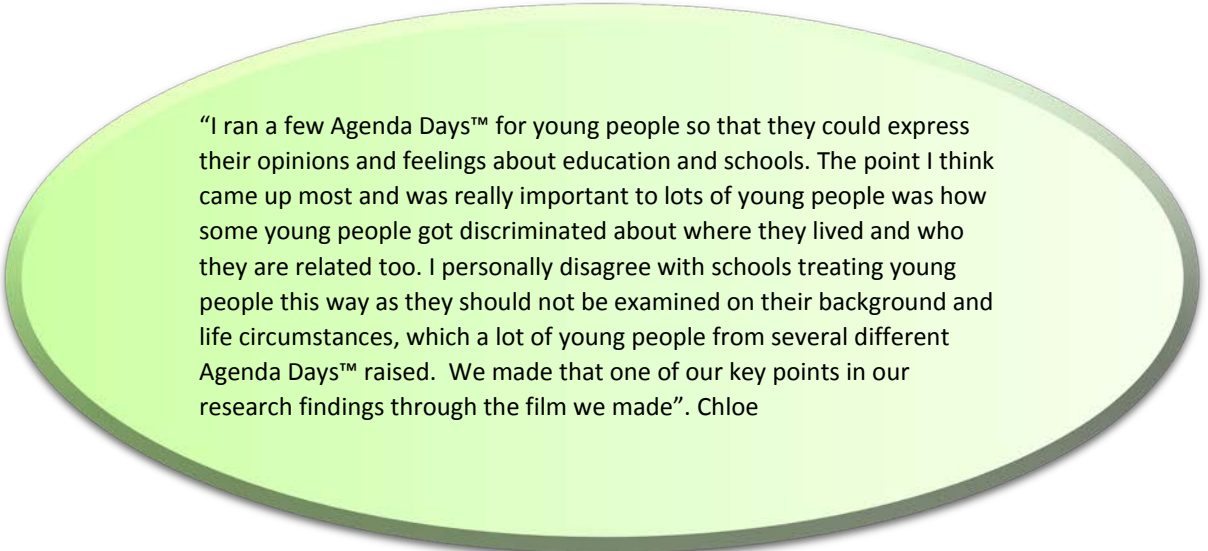
5.3: Who You Are and Where You Are From.

Another experience that was identified across all of the Agenda Days™ was that many young people felt discriminated against because of their background and the way they sometimes behaved. Many young people suggested schools favoured young people who were 'academic' and from 'posh' areas, suggesting increased opportunities were given to these young people to express their opinions and ideas about school life. A lot of young people also spoke about how schools chose these types of young people to speak with school inspectors so that a positive portrait of a school is given, and thus silencing those young people who do not fit into 'ideal pupil' discourses.



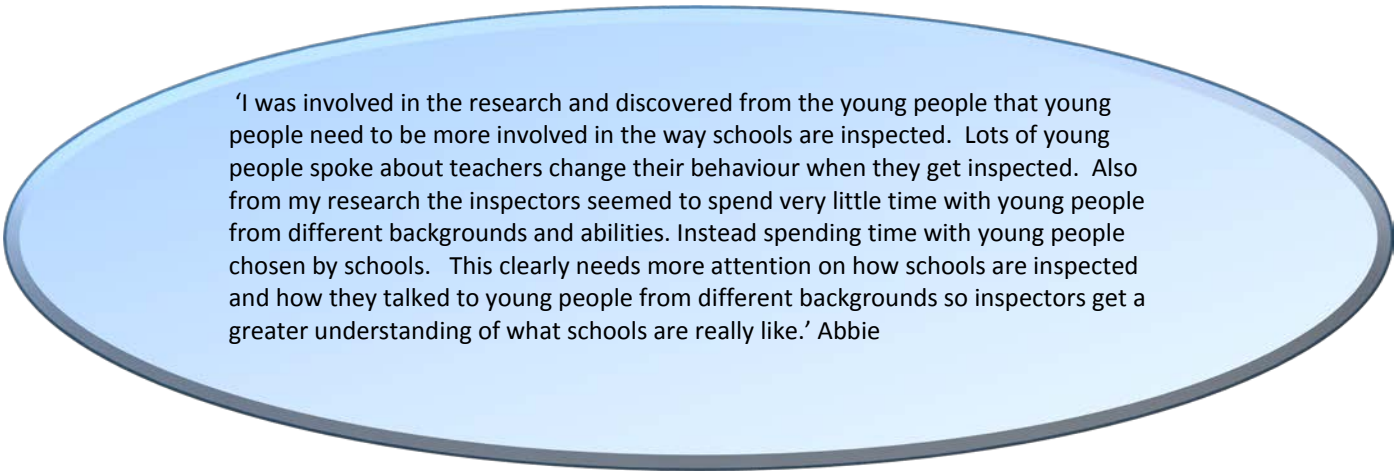
'The research was a great way for young people to express their opinions because the Agenda Days™ allowed young people to say what they wanted freely without punishment and anonymously in an adult free space. This seemed to allow the researchers, mainly young people to truly get an understanding from some young people about what they thought about schools and education. The most important thing which I think came from across from all the Agenda Days™ was how much young people would like to be more involved in decision-making and how schools and education environments could get better at getting opinions from lots of different children and young people who live in different backgrounds. Lots of young people we spoke to didn't get a say in their schools and colleges because they felt it was because of the backgrounds they came from because the schools concentrate on the young people who were well-behaved, educated and from nice areas'. Ali

5.4: Decision making.



"I ran a few Agenda Days™ for young people so that they could express their opinions and feelings about education and schools. The point I think came up most and was really important to lots of young people was how some young people got discriminated about where they lived and who they are related too. I personally disagree with schools treating young people this way as they should not be examined on their background and life circumstances, which a lot of young people from several different Agenda Days™ raised. We made that one of our key points in our research findings through the film we made". Chloe

All of the young people we spoke to across all Agenda Days™ never really got a chance to say what they thought about their schools and learning opportunities. Many young people believed that schools and education settings should increase decision making opportunities for young people from different backgrounds to come together to discuss their experiences of schools and educational environments.

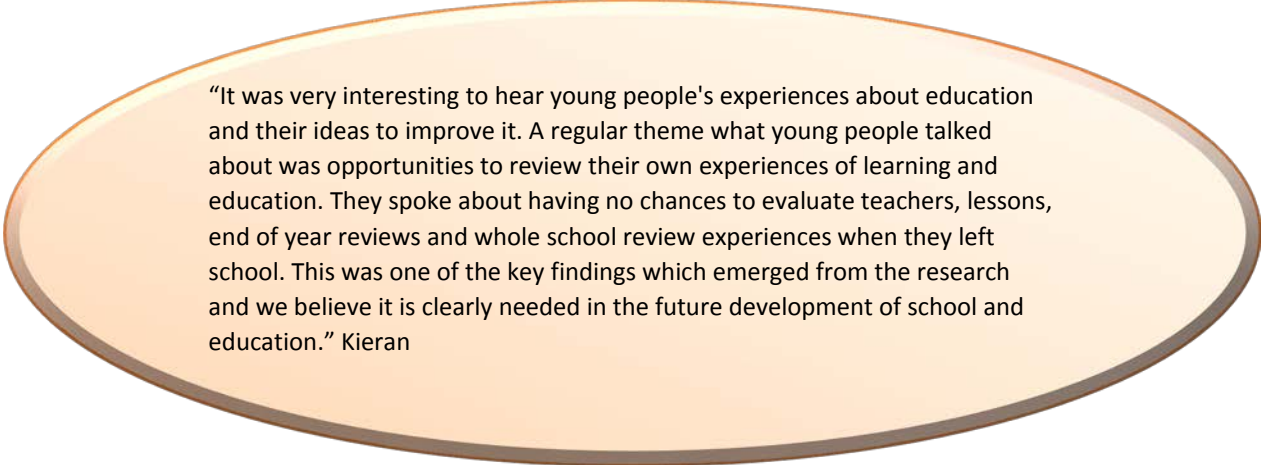


'I was involved in the research and discovered from the young people that young people need to be more involved in the way schools are inspected. Lots of young people spoke about teachers change their behaviour when they get inspected. Also from my research the inspectors seemed to spend very little time with young people from different backgrounds and abilities. Instead spending time with young people chosen by schools. This clearly needs more attention on how schools are inspected and how they talked to young people from different backgrounds so inspectors get a greater understanding of what schools are really like.' Abbie

5.5: Educational Experience.

Many young people thought there should be more opportunities for young people to review lessons, end of year evaluations and teaching experiences. This opinion was discussed among a wide range of

young people with different abilities and experiences of education and schools. Many young people also recognised the need for young people with different abilities to engage more in the school and education inspection process to reflect a fairer view.



"It was very interesting to hear young people's experiences about education and their ideas to improve it. A regular theme what young people talked about was opportunities to review their own experiences of learning and education. They spoke about having no chances to evaluate teachers, lessons, end of year reviews and whole school review experiences when they left school. This was one of the key findings which emerged from the research and we believe it is clearly needed in the future development of school and education." Kieran

6.0 Discussion and Recommendations

The adults in the project were not surprised when the young people chose to carry out research into schooling. Given the amount of time that most children and young people spend in school, it was not unexpected that their experience of the education system and the extent to which their views are, or are not, valued and taken into account in schools should be chosen as a key topic to research. Over the last 21 years, the lack of attendance to children's rights in schools has been a repeated and regular subject of debate for Investing in Children groups.

It should not be assumed, from this observation, that all schools or all teachers ignore children's rights. In the Investing in Children archives there are numerous excellent examples of how educational institutions, from early years settings, primary schools, special schools, secondary schools and colleges, have embraced Article 12 of the UN Convention on the Rights of the Child and engaged students in a genuine dialogue about the running of their schools. For instance, at Somers Park Primary School in Portsmouth, children designed the timetable. At Woodham Community Technology College in Durham, the Head Teacher responded to a campaign by students about inadequate school dinners by replacing the catering company and employing a local chef. Staff and students worked together to create the Cosy Café at the Sir Charles Parsons School for young people with additional needs in Newcastle. At the Dunblane Nature Kindergarten, the children, assisted by staff, designed and built a wooden tepee in the playground.

However, in spite of these very good examples, we have also gathered very concerning views from young people about their experience of the education system. It would appear that for some, school was, and is, a place where they have felt marginalised and unwelcome, and where their opinions have rarely, if ever, taken into account. For example:

In 2001, over 40 young people from Durham who had experience of being excluded from school contributed to an Investing in Children report, in which they observe that they 'are not treated with respect and are not listened to' (Ross, Foster et al. July 2001, *What's wrong with School* Investing in Children Archive). In 2004, during an inquiry by young people into the impact of the then Government's 'Every Child Matters' policy, a young people's research group noted that:

'Although this research involved talking to a number of young people from across the county we do not claim to have spoken to all young people and neither do we claim that this research is a representative view of all children and young people. However we do claim that all our research does bring up issues that many children and young people in County Durham would agree with. We also claim that the research was undertaken in such a way that open spaces were created for young people to discuss issues freely that they felt were important to them, not simply issues important to adults.'

And in relation to education, they observed:

'When it comes to the inequality of school rules it becomes obvious that there are a great deal more rules that apply to pupils but do not apply to staff. For example, children and young people may not be able to wear jewellery – teachers are, children and young people have to wear a uniform – teachers don't, children and young people are not allowed to wear their own choice of foot wear – teachers are, etc. There was also mention of the fact that teachers are allowed to shout at pupils and get away with it (their way of showing authority) but yet if a pupil shouted at a teacher they would more than likely receive some form of discipline.'

'There also seems to be no form of a complaints procedure in place for students to complain about staff or anything else that maybe bothering them. Students tend to think teachers stick together and that their complaint will not be taken seriously.' (Cooke and Walton, 2004)

And, at a workshop at the University of Durham in 2013, attended by young people from Investing in Children and a variety of education professionals, the two main challenges in schools were agreed to be 'social inequalities in educational opportunity and the absence of the student voice at all levels' (Williamson and Coffield, 2013). Therefore, sixteen years after 'What's Wrong with Schools' was published, the question is : Why, if Article 12 of the UNCRC has relevance in schools, are we still finding that young people's views are still not given due weight?

The following recommendations were made by the young researchers:

All of the young people who attended the Agenda Days™ understood that they had to go to school and enjoyed some aspects of school and education. However, nearly all of them found school difficult because of the relationships they had with teachers and the regular disagreements they had with them about uniform rules and struggling with some lessons and learning. They also spoke about regularly arguing with teachers, which they suggested started from how some teachers spoke to them, especially when they challenged the rules and opinions of adults.

The following ideas to improve schools and education for young people are based on what the young researchers have found out from other young people regarding their experiences. They cover a number of areas including attitudes to pupils, listening to all children (whatever their background) and having more flexible frameworks to support learning (rather than rigid rules). Such recommendations also establish a robust framework which schools can subsequently utilise to give *due weight* to the views of children and young people.

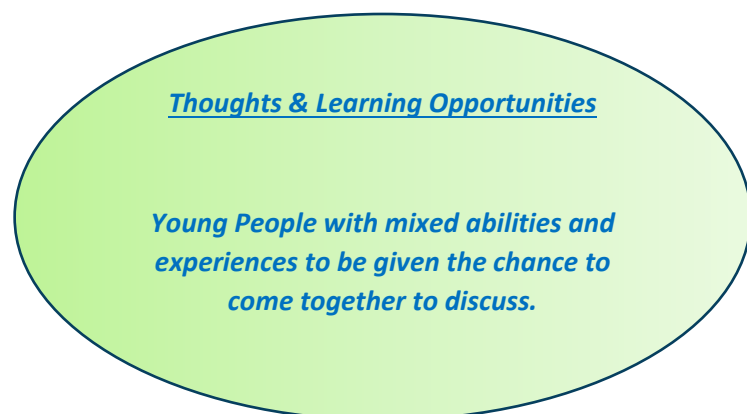
- The young people we met with mainly came from areas schools viewed as challenging and some young people believed that the area they

'Where you live'

**To listen to young people more
about what help is needed within
school.**

come from makes schools think badly of them. Schools should not think about young people like this but instead try to listen to them more about what they need help with in school.

- All of the young people we spoke to never really got a chance to say what they thought about their schools and learning opportunities. We think young people with mixed abilities and experiences should be given the chance to come together to discuss their experiences, so schools and educational environments can continue to improve on the very important service that they provide.
- Also, young people spoke a lot about the lack of respect in schools from teachers. Strict rules to follow and limited opportunities to express their opinions and individual identity were an issue. If schools created more opportunities for young people and adults to come together and speak openly then we think improvements can be made regularly in schools.



Dissemination

At the time of writing this article, dissemination processes from the research project were still ongoing. In Scotland, the young people attended a policy lab in Edinburgh organised by the University of Edinburgh and Common Weal (a think tank and on-line media hub). The young people presented these views to a very lively audience (see link to report from the lab in references Common Weal 2016). The policy lab included teachers, union representatives, local authority staff, academics, Common Weal Edinburgh South members and parents. The policy lab notes record how the audience responded to the young people's ideas:

'The question was posed: why are schools not rated by the relationships that schools and teachers have with kids? But this question brought an equally contrasting response – why do we use top down performance indicators in schools?

There was general consensus that parents and teachers also, sometimes, found schools to be rule-bound places and that the performance indicator culture that emerged from the Blair era reduced the ability to attend to issues of relationships building in schools and prevented creative approaches and collaborative solution making. The present situation was contrasted with that of Scandinavian countries, especially Norway, where it was argued emphasis was placed on developing strong and supportive relationships between teachers and children. Some participants at the policy lab argued that cultures of listening and relationship building did exist in some early years centres and primary schools and that there was specifically a problem with the power hierarchies in secondary schools. The young people from Investing in Children connected this problem to the rigid accreditation focus

of secondary schools. This led some of the participants at the policy lab to argue that schools needed to also build greater relationships with the communities in which they were located, that the weight of assessment and stress of assessment processes had to be reduced (e.g. by using flexible approaches to exams and certification, as happens in further education colleges) and create more time for listening. We need to avoid starting from the elitist and deficit model perspective that a certain group of children are bound to fail and adopt the social justice approach that works in relation to non-traditional routes into further and higher education that assumes all learners have capabilities.

The findings as outlined above also raise deep-seated questions pertaining not only to children's educational rights but also their rights within the school setting and the manner in which those rights are upheld and vindicated. Such findings also engage the question as to *how* schools can give due weight to children's views within such an environment and how to *better* subsume such views within the operational and functional administration of a school. The findings herein indicate a number of thematic issues which were identified by the young people involved. These included issues surrounding identity, respect, punishments, decision-making and young people's individual educational experiences. Although such issues traverse a broad range of areas, their unifying feature is that they all fall directly within the parameter's which encase the child's rights to education and should therefore be positioned within a broader human rights context. This context necessitates that children and young people are viewed as rights-holding actors and not merely submissive recipients of instruction. As a human right, education entails much more than mere access to schooling. It embraces a broader purposive dimension wherein the underlying notion of human dignity is respected and upheld.

That the right to education has an entrenched legal foundation in international human rights law is beyond doubt. Its inclusion in most international human rights treaties attests to its significance as an indispensable entitlement for human development and growth. Indeed, its inclusion in such treaties is matched by its presence in numerous national constitutions, regional human rights accords and intercontinental political declarations. More recently, the commitment to "inclusive and equitable quality education" as a stated objective in the 2030 Sustainable Development Goals compounds the centrality which the right to education occupies (Goal 4, Sustainable Development Goals). From a children's rights perspective however, the strongest protections afforded to the right are contained in Articles 28 and 29 of the UN Convention on the Rights of the Child. The CRC articulates an expansive model of education; one wherein children and young people are free and able to develop their abilities and talents to their fullest potential. Structured as a right which provides for the holistic development of the child's personality, Articles 28 and 29 are designed to equip children and young people with the necessary means to prepare them for their broader engagement in society as active rights-holding citizens. Underpinning the substantive operation of the right to education is the acknowledgement that children are rights-holders, with a say in the exercise of those rights, who should be equipped with the skills to 'participate fully and responsibly in a free society'. Such rights however do not exist within a vacuous context but rather impose both specific and ascertainable duties on states, as duty-bearers, to ensure compliance with their voluntarily agreed upon human rights commitments. From a children's rights perspective, the right to education as part of a state's broader educational framework assumes increased significance. As a human right, education has been characterised as tantamount to 'an overarching right' (Kishmore, 2005); one which unlocks and activates the operation of others. Fortin (2005) contends that the 'right to be educated is probably one of the most important of children's moral and legal rights; without it they may be unable to develop their 'personality, talents, and mental and physical abilities to their fullest potential'. Therefore, the legal and practical nexus between education and children's ability to exercise other rights is such that it has been described by Quennerstedt (2009) as a 'crucial human right for children'.

Although international human rights law has been clear in its elaboration of the delivery of available, accessible, acceptable and adaptable education⁵, the legal contours of the right are such that they ascribe children both ongoing and persistent entitlements. As the Committee on the Rights of the Child have stated;

“Children do not lose their human rights by virtue of passing through the school gates. Thus, for example, education must be provided in a way that respects the inherent dignity of the child and enables the child to express his or her views freely in accordance with article 12 (1) and to participate in school life” (General Comment No.1, paragraph 8)

Further to this, children’s rights and the concomitant ability to exercise them both endure and persist within the educational setting. As such, children retain their rights in such contexts, including the right to have a say in matters which affect them, and for such views to be given due weight in accordance with their evolving age and maturity. Besides, such a right is explicitly enshrined in Article 12 CRC. Indeed, the unique configuration of the CRC is such that children’s educational rights and their subsequent implementation should not be seen as either separate or distinct from the CRC’s four interpretative standards; non-discrimination (Article 2), the best-interest of the child (Article 3), the child’s right to life, survival and development (Article 6) and the right of the child to express his or her views on matters affecting them and for such views to be taken into account (Article 12). Rather, the delivery of education (and all other rights) should deliberately encompass such standards into both its design and subsequent enjoyment. As stated by Lundy;

“The multi-faceted nature of the right means that it cannot properly be described as a simple right ‘to’ education in the way that there is a right to an adequate standard of living or access to healthcare. Rather, it has become common to refer to it as a collection of rights which taken together constitute rights to, in and through education”. (Lundy, 2012)

Ainscow (2006) has argued, in relation to disabled children, simply being in the same building (experiencing integration) does not guarantee that children are fully included in all aspects of schools (educational and social). Similarly, the young people in our study would say that when adults utilise rigid rules to deprive them of their right to education, they not only infringe their human right to education but also deny their ability to be equal partners and evolve as collaborative decision makers throughout their education. For too many years young people have encountered rigid and hierarchical decision making in schools. If we are to truly close the gap in attainment between children from different socio-economic backgrounds we need to address the structural, cultural, relational and person politics of education.

Originally we had hoped to work with the head teachers and staff of the schools the young people came from, so on collecting our results we contact the schools to ask if we could discuss working collaboratively with LiC and the University of Children to address the issues raised. Disappointingly in spite of several requests, we have so far not got engagement for the specific schools that the young people in the project sought to change. This for us highlighted a slight problem when developing an open ended participatory project. Because we did not define the topic the young people should work on (from the start) we did not have early buy into the process from the key organisations that we would subsequently want to work with. At the outset, the young people also preferred not to involve educational staff as research partners since they were concerned that this would impact on the ability of themselves and the other participants to freely speak their minds about schools (which of course also highlights the complex power dynamics and punitive cultures that they experience in

⁵ Committee on Economic, Social and Cultural Rights, (1999) General Comment No.13: The Right to Education (Art.13)

schools). We will not give up, however, it should be noted that the young people were not surprised that our offers were shunned by the schools – they, sadly, were used to this experience – being ignored. We concluded that the schools’ intransigence was yet another example of what we had been researching - the denial of pupils’ rights.

Our dissemination strategy in the Northeast of England also highlighted how the political transformation of the education system impacts on questions of accountability and change: since many schools in this region have been converted into academies and are thus directly regulated by the Government rather than local authorities, there is a lack of local accountability and ability to implement changes flexibly. For young people, this centralised system constitutes another obstacle to transformative change arising from localised participatory processes.

7.0 Conclusion:

This paper explains the findings of a peer research project that sought to understand student’s pupils’ experiences of children’s rights in schools. The main finding is that, for some young people, their views are given **no weight at all** in decision making in schools. The research highlighted a lack of listening; discrimination against children from diverse and less well-off backgrounds; and the use of rigid rules and punishment to deprive pupils of their right to education. The project did not set out to examine the reason why children from less affluent backgrounds do less well at schools (why there is an ‘attainment gap’) but as the project evolved, this issue became prevalent in Scottish Politics and the young people were able to present their findings at a Common Weal event at the University of Edinburgh. We have set out here how the young people stimulated specific suggestions from the adult participants which chimed with their own recommendations including specifically the need to address the cultures, structures and relationship issues in schools that create barriers and inhibit appreciative relationship building between adults and pupils. The question still remains as to why schools are not more participatory when the school teachers in our policy lab were only too ready to work collaborative with the liC peer researchers. This illustrates that individual teachers are operating within an educational system that relies on notions of ‘ideal pupils’ – which are gendered, classed and raced – and is shaped by persistent attitudes and practices that marginalise those young people who do not easily fit into these discourses. We hope the policy lab is only the start of a much deeper dialogic process that actually leads to changes in the schools that our researchers and agenda day participants identified as routinely infringing their rights, ignoring their capabilities and denying their right to equitable and inclusive teaching, learning, schooling and education.

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